

1 ROGER A. BERGMANN  
2 State Bar No. 733  
3 A Professional Corporation  
4 4947 W. Lakeridge Terrace Lane  
5 Reno, Nevada 89509

6 Attorney for Chad Blanchard, Water Master

7 UNITED STATES DISTRICT COURT

8 FOR THE DISTRICT OF NEVADA

9 \* \* \* \* \*

10 THE UNITED STATES OF AMERICA,

11 Plaintiff,

12 vs.

13 IN EQUITY

14 3:73-CV-0003-MMD

15 ORR WATER DITCH COMPANY, et al.,

16 Defendant.  
17 \_\_\_\_\_/

18 ORDER APPROVING WATER MASTER'S BUDGET FOR  
19 2020-2021; CREATING AN ASSESSMENT TO REPLENISH  
20 THE FUND HERETOFORE ESTABLISHED TO PAY THE  
21 EXPENSE OF CONDUCTING THE WATER MASTER'S  
22 OFFICE; CREATING A SPECIAL ASSESSMENT TO  
23 CONTINUE THE FUND HERETOFORE ESTABLISHED TO  
24 PAY THE EXPENSE OF SPECIAL ADMINISTRATION  
25 OF STEAMBOAT AND UPPER STEAMBOAT, GALENA,  
26 AND WASHOE CREEKS, AND THE WASHOE LAKE RESERVOIR;  
27 APPORTIONING THE COSTS THEREOF AND PROVIDING THE  
28 MANNER AND METHOD FOR COLLECTION THEREOF; CONTINUING  
OPERATION OF PROSSER AND STAMPEDE RESERVOIRS;  
AND APPROVING THE WATER MASTER'S  
ADMINISTRATION OF THE DECREE FOR 2019-2020

BE IT REMEMBERED that the petition of CHAD BLANCHARD,  
Water Master appointed herein to administer the Final  
Decree entered on September 8, 1944, asking that an  
assessment be created to replenish the fund heretofore

1 established to pay the expenses of conducting the office of  
2 the Water Master, and a special assessment be created to  
3 replenish the fund heretofore established to pay the  
4 expense of his special administration of Steamboat or  
5 Galena Creek, Washoe Creek or Upper Steamboat Creek, and  
6 the Washoe Lake Reservoir, and approving the Water Master's  
7 administration of the Decree for 2019-2020, and approving  
8 the filing of an audit for 2020-2021, by February 15, 2022,  
9 and for such other action as might seem meet and proper in  
10 the premises, filed with the Clerk of this Court, having  
11 come on for hearing this date pursuant to proper notice,  
12 and all parties having the opportunity to be heard on  
13 objections filed, and good cause appearing,  
14  
15

16 **NOW, THEREFORE, IT IS HEREBY ORDERED:**

17 1. That the estimated general budget for the period  
18 from October 1, 2020 to September 30, 2021, submitted by  
19 the Water Master as part of his petition, is hereby  
20 approved.  
21

22 2. That in order to provide a means for the payment  
23 of further expense of conducting the Office of the Water  
24 Master, particularly for the period from October 1, 2020 to  
25 September 30, 2021, there is hereby created an assessment  
26 in the sum of FOUR HUNDRED EIGHTY-NINE THOUSAND DOLLARS  
27  
28

1 (\$489,000.00) to replenish the fund heretofore established,  
2 and that the same be, and hereby is apportioned to be paid  
3 and borne as provided in the Final Decree, to wit:

4 One-third by the United States of America,  
5 one-third by the Truckee Meadows Water Authority,  
6 and the remaining one-third by the remaining  
7 persons or corporations whose rights are  
8 adjudicated by this Decree.  
9

10 3. That the Truckee-Carson Irrigation District and  
11 the Bureau of Indian Affairs of the United States  
12 Department of the Interior be, and they hereby are, ordered  
13 and directed to pay the Office of the Water Master in this  
14 case, as their apportioned one-third assessment, the sum of  
15 ONE HUNDRED SIXTY-THREE THOUSAND DOLLARS (\$163,000.00);  
16 that NINETY-TWO and ONE-HALF PERCENT (92-1/2%) of said  
17 amount, being the sum of ONE HUNDRED FIFTY THOUSAND SEVEN  
18 HUNDRED SEVENTY-FIVE DOLLARS (\$150,775.00), is to be borne  
19 by the Truckee-Carson Irrigation District for Newlands  
20 project lands, and SEVEN and ONE-HALF PERCENT (7-1/2%) of  
21 said amount, being the sum of TWELVE THOUSAND TWO HUNDRED  
22 TWENTY-FIVE DOLLARS (\$12,225.00), is to be borne by the  
23 Bureau of Indian Affairs of the United States Department of  
24 the Interior for Pyramid Indian lands, such assessment to  
25  
26  
27  
28

1 be paid on or before April 30, 2021.

2 4. That defendant, Truckee Meadows Water Authority,  
3 be, and it is hereby ordered and directed to pay the Office  
4 of the Water Master in this case, as its apportioned one-  
5 third of the assessments, the sum of ONE HUNDRED SIXTY-  
6 THREE THOUSAND DOLLARS (\$163,000.00), the assessment to be  
7 paid on or before April 30, 2021.  
8

9 5. That the "remaining persons or corporations whose  
10 rights are adjudicated by this Decree, or their successors  
11 in interest", be, and they hereby are, ordered and directed  
12 to pay as their apportioned one-third of the assessment,  
13 the total sum of ONE HUNDRED SIXTY-THREE THOUSAND DOLLARS  
14 (\$163,000.00), payable as more specifically hereinafter set  
15 forth.  
16

17 6. That Washoe County Water Conservation District be,  
18 and it hereby is, directed to levy and collect prorata  
19 assessments from the remaining persons or corporations  
20 whose rights were adjudicated by this Decree and whose  
21 lands are within the boundaries of the Washoe County Water  
22 Conservation District in the amount of SIXTY-FIVE PERCENT  
23 (65%) of their apportioned one-third shares of the total  
24 assessments provided for in this Decree, being the sum of  
25 ONE HUNDRED FIVE THOUSAND NINE HUNDRED FIFTY DOLLARS  
26  
27  
28

1 (\$105,950.00); that Washoe County Water Conservation  
2 District be, and it hereby is, directed to allocate said  
3 sum among its members as aforesaid, according to a schedule  
4 of charges based upon acreage, including minimum charges  
5 applicable to fractional acreage, which schedule shall be  
6 subject to the approval of the Water Master, and that the  
7 Washoe County Water Conservation District shall pay the  
8 aforesaid sums collected by such District for the Water  
9 Master on or before April 30, 2021.  
10

11 7. That the remaining persons or corporations whose  
12 rights were adjudicated by this Decree and whose lands are  
13 outside of the boundaries of the Washoe County Water  
14 Conservation District be, and hereby are, ordered and  
15 directed to pay THIRTY-FIVE PERCENT (35%) of their  
16 apportioned one-third share of the total assessments  
17 provided for in this Decree, being the sum of FIFTY-SEVEN  
18 THOUSAND FIFTY DOLLARS (\$57,050.00); that the Water Master,  
19 CHAD BLANCHARD, be, and hereby is, directed to collect such  
20 sums as aforesaid according to a schedule of charges, which  
21 charges shall be paid to the Water Master on or before  
22 April 30, 2021, as follows: The minimum assessment of  
23 NINETEEN DOLLARS AND TWENTY CENTS (\$19.20) against those  
24 parties owning fifty (50) acre-feet or less; against those  
25  
26  
27  
28



1 parties owning more than fifty (50) acre-feet, the sum of  
2 FORTY CENTS (\$.40) for each acre-foot.

3 8. That the Water Master, CHAD BLANCHARD, be, and  
4 hereby is, directed to continue to maintain as part of the  
5 Water Master's fund, a separate bank account known as the  
6 "Excess Payment Account" heretofore established pursuant to  
7 an order of this Court, only as to the assessments  
8 collected from the remaining persons or corporations whose  
9 lands are outside the boundaries of the Washoe County Water  
10 Conservation District, and who are responsible for THIRTY-  
11 FIVE PERCENT (35%) of their apportioned one-third share of  
12 the total assessments provided for in this Decree.  
13

14 9. That the Water Master's estimated excess payments  
15 account budget for the period from October 1, 2020 to  
16 September 30, 2021, submitted by the Water Master as part  
17 of his Petition herein, is hereby approved.  
18

19 10. That the Water Master's report and audit for the  
20 fiscal year ending September 30, 2020, filed with the court,  
21 is hereby approved as filed.  
22

23 11. That the Water Master is granted authority to  
24 continue the additional duties of supplying hydraulic data  
25 and assisting in the coordination of the operation of the  
26 Prosser Creek and Stampede Reservoirs in the State of  
27  
28

1 California pursuant to a request therefore made by the  
2 Bureau of Reclamation of the United States Department of  
3 the Interior, his services in that connection to be  
4 compensated for at a sum not to exceed ONE HUNDRED SIXTY-  
5 SIX THOUSAND DOLLARS (\$166,000.00) per year; that the  
6 Prosser Creek and Stampede Reservoirs' operation budget for  
7 the period from October 1, 2020 to September 30, 2021,  
8 submitted by the Water Master, is hereby approved.  
9

10 12. That all monies collected from the Bureau of  
11 Reclamation of the United States Department of the Interior  
12 pursuant to this Order shall be deposited by the Water  
13 Master in a special fund of the Water Master's Office.  
14

15 13. That the Water Master shall file an annual audit  
16 and report for the period ending on September 30, 2021 by a  
17 certified public accountant on or before February 15, 2022.  
18

19 14. That the Budget submitted by the Water Master, as  
20 an Exhibit "B" (Special Fund) to his petition, as the  
21 necessary expenses to be incurred by the Water Master in  
22 administering the provisions of the Final Decree relating  
23 to Steamboat or Galena Creek, Washoe Creek or Upper  
24 Steamboat Creek, and the Washoe Lake Reservoir from October  
25 1, 2020 to September 30, 2021 is hereby approved.  
26

27 15. That in order to provide a means for the payment  
28

1 of the additional necessary expenses to be incurred by the  
2 Water Master in administering the provisions of the Final  
3 Decree relating to Steamboat or Galena Creek, Washoe Creek  
4 or Upper Steamboat Creek, and the Washoe Lake Reservoir for  
5 the period from October 1, 2020 to September 30, 2021,  
6 there are hereby created special assessments in the total  
7 sum of TWENTY THOUSAND FIVE HUNDRED DOLLARS (\$20,500.00),  
8 more or less, as shown in the Special Assessment Roll on  
9 the records of the Water Master, to continue the fund  
10 heretofore established on July 27, 1962, by an Order of  
11 this Court for special administration.  
12

13  
14 16. That the water users named in the Special  
15 Assessment Roll on the records of the Water Master, be, and  
16 they hereby are, ordered and directed to pay the office of  
17 the Water Master the sums of money specified as their share  
18 of such special assessments in such Special Assessment Roll  
19 on or before April 30, 2021.  
20

21 17. That all monies collected as such Special  
22 Assessments, pursuant to this order, shall be deposited by  
23 the Water Master in a special fund of the Water Master's  
24 office.  
25

26 18. That the Water Master shall continue to operate  
27 the reservoirs of Boca and Lake Tahoe.  
28



1           19.. That each and all of the various assessments and  
2 special assessments above stated and apportioned to the  
3 various parties hereto are hereby adjudged to the extent of  
4 the various assessments and special assessments to be a  
5 charge and obligation taxable and payable as costs in this  
6 action, the same as if entered in a judgment or decree, and  
7 to be and remain until paid, a first lien against all right  
8 title, and interest of the above-named defendants,  
9 intervenors, parties or persons, and their predecessors and  
10 successors in interest, in the lands, ditches, water and  
11 water rights and works owned or claimed by them, or as  
12 shown, appearing, mentioned or described in the findings or  
13 in the papers in this case.  
14  
15

16           20. That if any of the sums so assessed, apportioned  
17 and allowed remain unpaid ninety (90) days after the date  
18 mentioned for the payment thereof, attachments for contempt  
19 may issue against the party or parties failing to make any  
20 payments so ordered to be made, and execution may issue for  
21 the recovery, satisfaction, or obtaining of payment thereof  
22 against the parties, intervenors or persons liable for the  
23 payment thereof as above allowed, together with a  
24 reasonable late payment fee, and against their right, title  
25 and interest in the lands, ditches, water and water rights  
26  
27  
28

1 and works, and other property, whether conveyed after the  
2 commencement of this suit or not; and the same may be  
3 seized and sold to pay and satisfy such amount so allowed  
4 and remaining unpaid, together with costs, and a reasonable  
5 late payment fee not less than FIVE DOLLARS (\$5.00), the  
6 same as in cases of foreclosure of mortgage and liens, or  
7 upon judgment in ordinary actions at law or in equity, and  
8 the Water Master is hereby authorized and empowered to shut  
9 off the water of any party failing to make any payments  
10 assessed against him or her, or his or her water rights, at  
11 the time or times at which the same should be made, such  
12 water to remain shut off until such time as any such  
13 payments shall be made, and the costs of shutting off such  
14 water shall be assessed against any such party.

17 21. That the Water Master, CHAD BLANCHARD, be, and  
18 hereby is, directed to continue in effect the surety bond  
19 in the sum of FIFTY THOUSAND DOLLARS (\$50,000.00)  
20 heretofore provided pursuant to his order of appointment  
21 for the faithful performance of his duties as custodian of  
22 such funds and the property that may be in his care.

24 22. That the operation and administration of the  
25 Water Master's Office in administering the provisions of  
26 the Final Decree for the period from October 1, 2019 to  
27  
28

1 September 30, 2020, is hereby approved.

2 23. That the parties in interest must notify the  
3 Office of the Water Master when title to a water right is  
4 changed, and that the Water Master shall not be required to  
5 deliver water to any new owner unless written notice of  
6 such change is received by the Water Master's Office.  
7

8 24. That the Water Master is directed to create a  
9 funded account pursuant to existing Personnel and Benefits  
10 Policy to cover the cost of continuing health insurance on  
11 qualified personnel, upon their retirement, and that the  
12 cost shall be included in the Water Master's Budget each  
13 year until such time as the earned benefit is exhausted.  
14

15 25. That the operation and administration of the  
16 Truckee River Operating Agreement for the period from  
17 October 1, 2019 to September 30, 2020, is hereby approved.  
18

19 26. That the Clerk of this Court give notice of the  
20 required payments to be made by each water user by  
21 providing a copy of this Order and the Notice annexed  
22 hereto to each of the attorney's appearing of record for  
23 the Plaintiff and sundry Defendants in this cause within  
24 five (5) days of the entry of this Order; the Water Master  
25 is further directed to give such notice to the parties  
26 hereto and their successors and assigns by publishing a  
27  
28

1 copy of the Notice annexed hereto in the Reno Gazette-  
2 Journal once a week for two (2) successive weeks.

3 This Order is made subject to such further orders as  
4 the Court may deem proper to make hereafter regarding this  
5 Order for the compensation or expenses of the Water Master  
6 and his assistants or the payment thereof.  
7

8 DATED this 10th day of February, 2021.  
9

10   
11

12 DISTRICT JUDGE  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28